

## **Individual Responsibilities of Local Agencies in an Emergency or Disaster-Statutes and Codes**

### **Local government: County**

The County government is responsible for the public health of all its residents including those special needs populations who fall beyond the scope of the American Red Cross in disaster sheltering, such as: skilled nursing facilities, board and care homes, developmentally delayed adults, congregate living situations, mental health residential care sites, and technology dependent persons.

- **(California Health and Safety Code, section 101025)**

### **Health Department**

The Public Health Department staff will participate pro-actively in preparation for disaster response and recovery in the community. During a disaster, Public Health Department staff will work within established governmental guidelines, with adherence to the following codes and will be accountable for their disaster response activities:

- **California Code of Regulations, Title 19, Division 2, Office of Emergency Services**
- **California Health and Safety Code Sections 101025, 101030, 101040, and 101080**

**101025.** The board of supervisors of each county shall take measures as may be necessary to preserve and protect the public health in the unincorporated territory of the county, including, if indicated, the adoption of ordinances, regulations and orders not in conflict with general laws, and provide for the payment of all expenses incurred in enforcing them.

**101030.** The county health officer shall enforce and observe in the unincorporated territory of the county, all of the following:

- (a) Orders and ordinances of the board of supervisors, pertaining to the public health and sanitary matters.
- (b) Orders, including quarantine and other regulations, prescribed by the department.
- (c) Statutes relating to public health.

**101040.** The county health officer may take any preventive measure that may be necessary to protect and preserve the public health from any public health hazard during any "state of war emergency," "state of emergency," or "local emergency," as defined by Section 8558 of the Government Code, within his or her jurisdiction. "Preventive measure" means abatement, correction, removal or any other protective step that may be taken against any public health hazard that is caused by a disaster and affects the public health. Funds for these measures may be allowed pursuant to Sections 29127 to 29131, inclusive, and 53021 to 53023, inclusive, of the Government Code and from any other money appropriated by a county board of supervisors or a city governing body to carry out the purposes of this section.

The county health officer, upon consent of the county board of supervisors or a city governing body, may certify any public health hazard resulting from any disaster condition if certification is required for any federal or state disaster relief program.

**101080.** Whenever a release, spill, escape, or entry of waste occurs as described in paragraph (2) of subdivision (b) of Section 101075 and the director or the local health officer reasonably determines that the waste is a hazardous waste or medical waste, or that it may become a hazardous waste or medical waste because of a combination or

reaction with other substances or materials, and the director or local health officer reasonably determines that the release or escape is an immediate threat to the public health, the director may declare a health emergency and the local health officer may declare a county health emergency in the county or any area thereof affected by the threat to the public health. Whenever a local health emergency is declared by a local health officer pursuant to this section, the local health emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the board of supervisors. The board of supervisors shall review, at least every 14 days until the local health emergency is terminated, the need for continuing the local health emergency and shall proclaim the termination of the local health emergency at the earliest possible date that conditions warrant the termination.

### **American Red Cross (ARC)**

By congressional charter dated January 5, 1905 (36 U.S.C.) and subsequent statutes (**Public Law 93-288**), the American Red Cross has been designated the nationwide lead agency through which the American people voluntarily extend assistance to individuals and families in need as a result of disaster. The American Red Cross does not have the power to surrender the mandate created by its charter. The legal status of the American Red Cross, as a unique instrumentality, has been confirmed by a unanimous decision of the U.S. Supreme Court in *Department of Employment v. United States, 385 U.S. 355 (1966)*. The American Red Cross mitigates suffering by meeting the urgent needs of victims and emergency workers immediately after a disaster has struck or in advance of a potential disaster.

### **OES**

#### **California Health and Safety Codes:**

8585. There is in the office of the Governor the Office of Emergency Services, which office is the

State Civil Defense Agency. The Director of the Office of Emergency Services, who shall also be the State Director of Civil Defense and the State Director of Emergency Planning, shall be in charge of the Office of Emergency Services and shall have all the rights and powers of a head of a department as provided by the **Government Code**.

8587. During a state of war emergency, a state of emergency, or a local emergency, the director shall coordinate the emergency activities of all state agencies in connection with such emergency, and every state agency and officer shall cooperate with the director in rendering all possible assistance in carrying out the provisions of this chapter.

8605. Each county is designated as an **operational area**. In a state of war emergency each **operational area** shall serve as a link in the system of communications and coordination between the state's emergency operating centers and the operating centers of the political subdivisions comprising the **operational area**. The governing bodies of each county and of the political subdivisions in the county may organize and structure their **operational area**. An **operational area** may be used by the county and the political subdivisions comprising the **operational area** for the coordination of emergency activities and to serve as a link in the communications system during a state of emergency or a local emergency.

8559 (b) An "**operational area**" is an intermediate level of the state emergency services organization, consisting of a county and all political subdivisions within the county **area**.

## **California Code of Regulations, Title 19, Division 2, Office of Emergency Services**

The lead agency of the operational area shall:

- (1) Coordinate information, resources and priorities among the local governments within the operational area.
- (2) Coordinate information, resources and priorities between the regional level and the local government level. Coordination of fire and law enforcement resources shall be accomplished through their respective mutual aid systems.
- (3) All emergency response agencies shall use the Standardized Emergency Management System in responding to, managing, and coordinating multiple agency or multiple jurisdiction incidents, whether single or multiple discipline.
- (4) There are five designated levels in the SEMS organization: field response, local government, operational area, regional, and state. Each level is activated as needed.
- (5) "Local government level" manages and coordinates the overall emergency response and recovery activities within their jurisdiction.
- (3) "Operational area level" manages and/or coordinates information, resources, and priorities among local governments within the operational area and serves as the coordination and communication link between the local government level and the regional level.
- (4) "Regional level" manages and coordinates information and resources among operational areas within the mutual aid region designated pursuant to **Government Code §8600** and between the operational areas and the state level. This level along with the state level coordinates overall state agency support for emergency response activities.
- (5) "State level" manages state resources in response to the emergency needs of the other levels, manages and coordinates mutual aid among the mutual aid regions and between the regional level and state level, and serves as the coordination and communication link with the federal disaster response system.
- (6) Local government, operational area, regional, and state levels shall provide for all of the following functions within SEMS: management, operations, planning/intelligence, logistics, and finance/administration.
- (7) Management is responsible for overall emergency policy and coordination through the joint efforts of governmental agencies and private organizations.
- (8) Operations is responsible for coordinating all jurisdictional operations in support of the response to the emergency through implementation of the organizational level's action plan.

### **Department of Social Services (DSS)**

#### **Emergency Welfare Services**

This important program helps victims get temporary care and shelter immediately following a disaster that has forced them from their homes. It consists of two different services. The first, mass care and shelter service, is operated in cooperation with the [American Red Cross](#), the Department's primary partner in providing critical support. Other partners include the Salvation Army and volunteer organizations active in disaster and emergency response. These agencies cooperate to provide disaster victims with temporary shelter, meals and emergency medical services until they relocate to permanent housing.